

**REMARKS**

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and the following remarks.

Claims 1-5 have been amended to more particularly define the invention. The amendments to these claims do not add any limitations and are not made to distinguish the invention over the prior art, to narrow the claims, or for any statutory requirements of patentability. Instead, the claim amendments are made only for more particularly pointing out the invention and to present the claims in more appropriate form under United States practice. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 6-21 have been added to claim additional features of the invention.

Applicant gratefully acknowledges that claims 2-5 are indicated to be allowable if rewritten in independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claim 1 was rejected under 35 U.S.C. §102(b) As being anticipated by Bashan, et al. (On Track Innovations Limited), PCT Patent Publication No. WO 98/29830. This rejection is respectfully traversed.

The claimed invention is directed to a data processing device which, in an exemplary embodiment, has both connection terminals, for receipt of processing data, a clock signal, a reset signal, and drive electric power, and an antenna, for receipt of processing data, the reset signal, and drive electric power in a radio wave. This exemplary embodiment also has a data

processing circuit which is switchable between a terminal mode, in which only the signals supplied to the connection terminals are effective on the data processing circuit, and an RF mode, in which only signals in the radio wave are effective on the data processing circuit.

A mode selecting circuit is responsive to initial application of the drive electric power to the data processing device for setting the data processing circuit to the RF mode. The mode selecting circuit is also responsive to receipt of the clock and reset signals for switching the data processing circuit to the terminal mode.

Bashan discloses a transaction device having contact and contactless modes of operation. The device includes connection terminals for receipt of processing data, a clock signal, a reset signal, and drive electric power, and an antenna for receipt of processing data, the reset signal, and drive electric power in a radio wave. The device further includes a data processing circuit which is switchable between a terminal mode, in which signals supplied to the connection terminals are effective on the data processing circuit, and an RF mode, in which signals in the radio wave are effective on the data processing circuit. A contact mode detector 52 only enables or disables a reset circuit 50 and a clock 51 based on whether there is an input on high voltage rail 35 or not. See Bashan at page 10, line 25 to page 11, line 15.

Bashan's device has a first input/output port, IO<sub>1</sub>, which receives data through contact C7, and a second input/output port, IO<sub>2</sub>, which is connected to the antenna interface. The device determines which state of operation is required by sampling the second input/output port. See Bashan at page 14, lines 17-19. If there is data on the second input/output port, then the device enters the contactless mode. If there is no data on the second input/output port, then the device enters the contact mode.

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In contrast, the described embodiment of the claimed invention is initially in the RF mode, and if there are clock and reset signals, then the device switches to the terminal mode. See the specification at, for example, page 17, line 22 to page 18, line 4.

This embodiment of the claimed invention is more rapidly able to receive signals in the RF mode, since it enters that mode upon receipt of power, yet it takes no longer than Bashan's device to switch to the terminal mode, since both devices must determine that the terminal or contact mode is to be used.

Further, in the event, admittedly infrequent, when due to some malfunction or error, the device receives both signals through its terminals or contacts and also RF or contactless signals, Bashan's device would enter the less secure contactless mode, while the described embodiment would enter the more secure terminal mode.

It is accordingly submitted that claim 1 distinguishes patentably from Bashan and is allowable. Dependent claims 2-5 remain allowable, and new dependent claims 6-10 are likewise allowable.

New claims 11 distinguishes from Bashan just as does claim 1, while covering the initial setting of the device into one of the terminal mode and the RF mode, with the device switching to the other mode based on the state of the clock and reset signals. Thus, claim 11 is also allowable.

New claims 12-21 distinguish from Bashan just as do claims 1-10, and so claims 12-21 are allowable.

A minor typographical error in the specification has been corrected.

In view of the foregoing, Applicant submits that claims 1-22, all the claims presently

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pending in the application, are patentably distinct over the prior art of record and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Attorney's Deposit Account No. 50-0481 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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